

3 FAM 3630

WORKERS' COMPENSATION PROGRAM

(CT:PER-678; 06-22-2012)
(Office of Origin: HR/EX)

3 FAM 3631 GENERAL INFORMATION

3 FAM 3631.1 Authority

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

Authority is found in 5 U.S.C. 8101 - 8150.

3 FAM 3631.2 Policy

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

- a. U.S. Government employees employed by the Department of State are covered by workers' compensation. Under the Federal Employees' Compensation Act (FECA), workers' compensation benefits compensate employees for loss in wage earnings; medical expenses; loss of life; and physical impairments or dismemberment from an injury arising out of or in the course of work. An employee must report any accident or injury immediately to his or her supervisor and to the post's or bureau's human resources office so that the necessary paperwork may be completed.
- b. The information provided in this subchapter is to ensure that Department of State employees who sustain a work-related injury or contract an occupational illness receive guidance on how to properly file a claim form with the Department of Labor, Office of Workers' Compensation Programs (**OWCP**).
- c. General procedures for processing workers' compensation claims can be found at 3 FAM 3630.

3 FAM 3631.3 Scope

(CT:PER-633; 01-13-2011)

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(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

- a. A worker's compensation claim, if acceptable, may afford claimant eligibility for reimbursement of medical treatment costs, payment for lost wages, and schedule awards, if applicable, regardless of other medical coverage available.
- b. Workers' compensation benefits are available to Federal employees in accordance with 5 U.S.C. 8101 - 8150, and are administered by the Department of Labor, Office of Workers' Compensation Programs (**OWCP**).
- c. Compensation is authorized for medical and rehabilitation expenses, including disease (hereinafter referred to as an injury), disability, or death resulting from personal injuries sustained in the performance of duty. The exception to this is where injury or death is caused by the willful misconduct of an employee or by an employee's intention to bring about the injury or death of self or of another, or when intoxication is the proximate cause of the injury or death.
- d. The Federal Employee Health Benefits (FEHB) plans apply to medical expenses not deemed compensable under the Federal Employee's Compensation Act. FEHB plans are not liable for medical and hospital costs or services connected to a work-related injury or illness.

3 FAM 3631.4 Eligibility

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

- a. The following employees are eligible for workers' compensation benefits:
 - (1) Civil Service employees;
 - (2) Foreign Service employees;
 - (3) Locally employed (LE) staff on the U.S. Government's payroll who are not covered under the host-country's workers' compensation law and who meet the other requirements outlined in 5 U.S.C. 8101 - 8150;
 - (4) Personal services contractors (PSCs) covered under the provision of 5 U.S.C. 8101 - 8150; and
 - (5) Spouse and dependent children entitled to survivor benefits.
- b. A designated, legal personal representative of the deceased employee is entitled to death gratuity benefits under Public Law 104-208, which cannot exceed \$10,000 under this authority, inclusive of certain other amounts.
- c. A designated beneficiary, in compliance with the Federal Employees' Compensation Act (FECA), may receive up to \$100,000 as a death gratuity

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benefit if the death of the employee is accepted as a workers' compensation claim under FECA and the death occurred while serving with a military contingent, such as in a war zone where the military is engaged.

3 FAM 3632 RESPONSIBILITIES

3 FAM 3632.1 Office of Workers' Compensation

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

The Department of Labor's (DOL) Office of Workers' Compensation Programs (**OWCP**) administers workers' compensation benefits under the Federal Employees' Compensation Act (FECA), which provide wage replacement benefits, medical treatment, vocational rehabilitation, schedule awards, and death benefits to Federal workers or surviving family members who are injured or killed at work or acquire an occupational disease or illness. For additional information, refer to The U.S. **Department of Labor** Home Page.

3 FAM 3632.2 Post Human Resources Office, Management Officer, Bureau Workers' Compensation Coordinator

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

- a. Workers' compensation claims for Department personnel abroad are processed by the post's human resources officer (HRO) or management officer.
- b. Claims from the Department's domestic employees are processed by the bureau's workers' compensation coordinator.
- c. The bureau's workers' compensation coordinator located in each bureau's executive office and the HRO or management officer at post must be responsible for:
 - (1) Reviewing the forms to ensure that they are properly completed; and
 - (2) Providing the employee's mailing address and telephone number, agency address and contact, fax and telephone numbers, with the appropriate Department of Labor, Office of Workers' Compensation Programs (**OWCP**) agency codes to identify the location of domestic claims and all overseas claims (see 3 FAH-1 H-3636.3, Claims for Compensation).

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- d. Each bureau's workers' compensation coordinator must monitor claims filed by their employees and review OWCP Chargeback Reports provided quarterly by the Bureau of Human Resources (HR). This review consists of verifying employee eligibility for workers' compensation benefits and containing costs by facilitating the employee's return to work, reducing routine workers' compensation costs to the Department of State.

3 FAM 3632.3 Officer in Charge

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

If a Department of State facility is not serviced by an on-site HRO or management officer, the workers' compensation paperwork is the responsibility of the officer in charge.

3 FAM 3632.4 Office of Medical Services

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

The Bureau of Human Resources establishes policy and responsibilities of the Return-to-Work program, with the Office of Medical Services, Occupational Health, Occupational Health Unit (MED/OH), providing information on the employee's capabilities in an effort to return the employee back to unrestricted full-time duty or an agency arrangement, such as part-time duty, as a result of medical work restrictions.

3 FAM 3632.5 Embassy Health Unit

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

- a. An embassy health unit or other medical facility abroad is authorized to provide an overseas employee medical treatment when no hospitalization is required. The purpose and responsibilities of embassy health units can be found on the Office of Medical Service's Web site.
- b. The post or bureau executive office authorizes medical treatment when hospitalization is required. Form CA-16, Authorization for Examination and/or Treatment, is used for any medical emergency as a result of a work-related injury, regardless of whether it is for an emergency room, doctor's visit, or

hospital care.

3 FAM 3633 MAINTENANCE AND DISPOSITION OF RECORDS ON INJURY OR ILLNESS

(CT:PER-633; 01-13-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees, and Eligible Locally Employed Staff)

- a. Medical reports and other forms of documentation generated because of injury or illness incurred by a domestic employee is forwarded to the Department of Labor by the workers' compensation coordinator.
- b. Medical reports and other forms of documentation generated because of injury or illness incurred by an employee abroad is forwarded to the Department of Labor by the HRO or management officer at post.
- c. Records for ongoing and continuing claims must be kept for three calendar years after the claim has been closed and no further payments are being or will be made under that claim:
 - (1) Bureaus must maintain case files on employees when domestic claims are filed and forward information copies to the Bureau of Human Resources, Office of Employee Relations (HR/ER);
 - (2) Post HROs or management officers must maintain case files on claimants abroad when claims are filed and transmit claim forms to HR/ER for transmittal to the Office of Workers' Compensation Programs (OWCP);
 - (3) HR/ER maintains central files on all claim forms filed with OWCP from overseas and domestic bureaus; and
 - (4) MED maintains medical information on claims in accordance with internal file procedures. MED/OH maintains copies of "exposure case documentation," including Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, or Form CA-2, Notice of Occupational Disease and Claim for Compensation, which serve to document exposure to toxins, poisons, fumes, unusual stress/strain/working conditions, such as PTSD symptoms, that might result in a future claim for consideration by OWCP. Claim forms must only be forwarded to OWCP when a written diagnosis of a medical condition exists.

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